Government of Kerala
1976

Reg. No. KL/TV/12

KERALA GAZETTE

EXTRAORDINARY

PUBLISHED BY AUTHORITY

Vol. XXI] Trivandrum, Tuesday, 20th January 1976 / 30th Pousha 1897 [No. 30

GOVERNMENT OF KERALA

Home (SS) Department

NOTIFICATION

No. 61553/SS5/75/Home. *Dated, Trivandrum, 20th January 1976.*

S. R. O. No. 89/76.—In exercise of the powers conferred by section 17D of the Indian Criminal Law Amendment Act 1908 (Central Act 14 of 1908), the Government of Kerala hereby cancel the Notification No. 27253/SS1/75/ Home dated 10th July 1975 published in Gazette Extraordinary No. 360 dated the 10th July 1975 in so far as it relates to the place mentioned under the heading "Quilon" of the schedule to the said Notification namely,

"Building No. QMC. XX. 192,
Kuravancherry,
Thrikkolavattom,
Quilon"

By order of the Governor,

S. Narayanaswamy,
Special Secretary to Government.

Explanatory Note

It is proposed to release building No. QMC. XX. 192, Kuravancherry, Thrikkolavattom, Quilon. which was notified under sub section (1) of section 17 A of Indian Criminal Law Amendment Act, 1908 to the owner of the building. Hence this notification.

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33/212/MC

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GOVERNMENT OF KERALA

Taxes (B) Department

NOTIFICATIONS

G. O. MS. No. 8/76/TD. *Dated, Trivandrum, 29th January 1976.*

I

S. R. O. No. 143/76.—In exercise of the powers conferred by section 10 of the Kerala General Sales Tax Act, 1963 (15 of 1963), the Government of Kerala, having considered it necessary in the public interest so to do, hereby make a reduction in rate in respect of the tax payable under the said Act on the sale of coconut oil cake to Solvent Extraction Units in the State for being used by such units in the process of solvent extraction from 5 per cent to 2 per cent.

By order of the Governor,

J. S. Jesudhasan,
Secretary to Government.

II

S. R. O. No. 144/76.—In exercise of the powers conferred by sub-section (5) of section 8 of the Central Sales Tax Act, 1956 (Central Act 74 of 1956), the Government of Kerala, being satisfied that it is necessary so to do in the public interest, hereby direct that the tax payable under the said Act in respect of the sales of coconut oil and coconut oil cakes produced by any solvent extraction unit having its place of business in the State which are made in the course of inter-state trade or commerce shall be calculated at one per cent.

By order of the Governor,

J. S. Jesudhasan,
Secretary to Government.

Explanatory Note

(This does not form a part of the notifications, but is intended to indicate the general purport)

Government consider that as a measure of encouragement to the Solvent Extraction Units in the State, the following Salestax concessions should be granted in favour of the industry:—

(i) Reduction of the rate of salestax on the sale of coconut oil cake to Solvent Extraction Units within the State from 5 per cent to 2 per cent.

(ii) Reduction of the rate of salestax on the inter-state sale of oil and oil cake produced by Solvent Extraction Units to one per cent.

The Notifications (I and II) are intended to achieve the above objects.

Government of Kerala
1976

Reg. No. KL. [illegible]

KERALA GAZETTE

EXTRAORDINARY

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Vol. XXI] Trivandrum, Thursday, 29th January 1976 / 9th Magha 1897 [No. 42

SECRETARIAT OF THE KERALA LEGISLATURE

NOTIFICATION

No. 675/LA4A/76. *Dated, Trivandrum, 29th January 1976.*

The Kerala University (Amendment) Bill, 1976 together with the Statement of Objects and Reasons and the Financial Memorandum is published, under Rule 67 of the Rules of Procedure and Conduct of Business in the Kerala Legislative Assembly.

Dr. R. Prasannan,
Secretary,
Legislative Assembly.

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33/316/MC.

THE KERALA UNIVERSITY (AMENDMENT) BILL, 1976

A

BILL

further to amend the Kerala University Act, 1974.

Preamble.—WHEREAS it is expedient further to amend the Kerala University Act, 1974, for the purpose hereinafter appearing;

BE it enacted in the Twenty-sixth Year of the Republic of India as follows:—

1. *Short title.*—This Act may be called the Kerala University (Amendment) Act, 1976.

2. *Amendment of section 17.*—In section 17 of the Kerala University Act, 1974 (17 of 1974) (hereinafter referred to as the principal Act), in item (2) under the heading "Elected Members", for the words "not being teachers", the words, brackets and figures "not being persons eligible to be elected under item (1), (4), (5), (6), (9), (10), (11), or (12)" shall be substituted.

3. *Repeal and saving.*—(1) The Kerala University (Amendment) Ordinance, 1975 (9 of 1975), is hereby repealed.

(2) Notwithstanding such repeal, anything done or any action taken under the principal Act as amended by the said Ordinance shall be deemed to have been done or taken under the principal Act as amended by this Act as if this Act had come into force on the 30th day of September, 1975.

STATEMENT OF OBJECTS AND REASONS

Item (2) under the heading "Elected members" in section 17 of the Kerala University Act, 1974, provided that twenty members, not being teachers, shall be elected to the Senate of the University by the registered graduates from among themselves of whom one shall be a member of a Scheduled Caste and one shall be a member of a Scheduled Tribe.

2. Twenty seats in the Senate had been separately earmarked for registered graduates with a view to ensure representation to categories which were not otherwise eligible to be elected to the Senate under the provisions of section 17 of the Act. The said Item (2), however, excluded only teachers of the University from being elected to the Senate under that item. If the item stood as such, organised groups like nonteaching staff and research scholars of the University could capture the twenty seats provided for registered graduates, which might result in the monopolisation of these seats by them and the exclusion of other registered graduates who were not so organised. It was, therefore, considered necessary to exclude all those who were eligible to be elected under items (1), (4), (5), (6), (9), (10), (11) or (12) under the heading "Elected members" in section 17 from contesting from the registered graduates constituency under item (2).

3. As the Legislative Assembly was not in session, the Kerala University (Amendment) Ordinance, 1975 (9 of 1975), was promulgated by the Governor on the 29th September, 1975, to achieve the above object. The Bill seeks to replace the Ordinance by an Act of the Legislature.

FINANCIAL MEMORANDUM

The Bill, if enacted and brought into operation, would not involve any expenditure from the Consolidated Fund of the State.

CHAKKEERI AHMED KUTTY.

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KERALA GAZETTE

EXTRAORDINARY

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SECRETARIAT OF THE KERALA LEGISLATURE

NOTIFICATION

No. 799/LA4/76. *Dated, Trivandrum, 29th January 1976.*

The Kerala Panchayats (Amendment) Bill, 1976 together with the Statement of Objects and Reasons, the Financial Memorandum and the Memorandum regarding Delegated Legislation is published, under Rule 67 of the Rules of Procedure and Conduct of Business in the Kerala Legislative Assembly.

DR. R. PRASANNAN,
Secretary,
Legislative Assembly.

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TRIVANDRUM, 1976.

33/318/MC

THE KERALA PANCHAYATS (AMENDMENT) BILL, 1976

A

BILL

further to amend the Kerala Panchayats Act, 1960.

Preamble.—WHEREAS it is expedient further to amend the Kerala Panchayats Act, 1960, for the purposes hereinafter appearing;

BE it enacted in the Twenty-seventh Year of Republic of India as follows:—

1. *Short title.*—This Act may be called the Kerala Panchayats (Amendment) Act, 1976.

2. *Amendment of section 39.*—In section 39 of the Kerala Panchayats Act, 1960 (32 of 1960) (hereinafter referred to as the principal Act), in sub-section (2), the last sentence shall be omitted.

3. *Amendment of section 66A.*—In section 66A of the principal Act, for sub-section (1), the following sub-sections shall be substituted, namely:—

"(1) If any panchayat by resolution determines that a land cess shall be levied, such cess shall, subject to the provisions of this Act, be levied annually on every land in the panchayat area, other than any land or class of lands which the Government may, in public interest, exempt by notification in the Gazette, at the rate of one-sixteenth per cent of the capital value of the land.

(1A) The cess leviable under sub-section (1) may be levied with effect from the 1st day of April, 1973, or the 1st day of April, 1974, at the option of the panchayat:

Provided that no such cess shall be leviable for any period in respect of which land cess has been levied under this section as originally enacted.

(1B) The cess levied under sub-section (1) shall be payable by the owner of the land.".

4. *Insertion of new section 66C.*—After section 66B of the principal Act, the following section shall be inserted, namely:—

"66C. *Adjustment of cess collected on or after 26th March, 1969.*—Notwithstanding anything contained in any judgment, decree or order of any court, the land cess levied and collected by a panchayat in respect of any land for the period commencing on the

26th day of March, 1969, and ending with the 31st day of March, 1973, under section 66A as originally enacted shall be adjusted,—

(a) where the panchayat has levied the land cess for any period after the 31st day of March, 1973, towards such land cess; and

(b) in other cases, towards any other dues payable by the owner of that land to the panchayat.".

5. *Amendment of section 82.*—In section 82 of the principal Act,—

(a) in sub-section (1), for the words "All public water-courses, springs, reservoirs, tanks, cisterns, fountains, wells, standpipes", the words and brackets "All public water courses (other than rivers passing through more areas than the panchayat area, which the Government may, by notification in the Gazette, specify), springs, reservoirs, tanks, cisterns, fountains, wells, kappus, chals, standpipes" shall be substituted;

(b) in sub-section (1A), after the words "wells", the words "kappus, chals", shall be inserted.

6. *Repeal and Saving.*—(1) The Kerala Panchayats (Amendment) Ordinance, 1975 (11 of 1975), is hereby repealed.

(2) Notwithstanding such repeal, anything done or any action taken under the principal Act as amended by the said Ordinance shall be deemed to have been done or taken under the principal Act as amended by this Act, as if this Act had come into force on the 6th day of October, 1975.

STATEMENT OF OBJECTS AND REASONS

Sub-section (2) of section 39 of the Kerala Panchayats Act, 1960, provided that appointment of any member of the establishment of a panchayat, other than the Executive Officer, should be made only with the approval of the panchayat. Consequent on the passing of the Kerala Public Service Commission (Additional Functions as Respects the Services under Local Authorities) Act, 1973, the said posts fell within the purview of the Kerala Public Service Commission. It was considered unnecessary to obtain the approval of the panchayats in respect of the appointments which fell within the purview of the Public Service Commission. It was, therefore, considered necessary to amend sub-section (2) of section 39 to dispense with the requirement of approval of the panchayats in respect of appointments.

2. Under section 66A of the Kerala Panchayats Act, 1960, every Panchayat was required to levy and collect land cess at the rate of 1/16th per centum of the capital value of all lands in a panchayat area other than any land or class of lands which the Government may in public interest exempt by notification in the Gazette. This section was inserted by Act 13 of 1969 which was published in the Kerala Gazette dated 26-3-1969. Since the introduction of this section, several individual and mass petitions have been received against the levy of land cess and several questions were also asked in the Legislative Assembly about land cess. Hence, it was proposed to give option to the panchayats to levy and collect land cess or to abstain from collecting the same. It was also proposed to provide that the land cess should not be levied for any period prior to the 1st April, 1973 and that the cess should be payable by the owner of the land. It was considered necessary to amend section 66A for the above purposes.

3. Section 66B of the Kerala Panchayats Act, 1960, which came into force on 26-3-1969 provided for the adjustment of land cess collected by the panchayats prior to that date. As option was proposed to be given to the panchayats to collect or not to collect the land cess and as some panchayats might have collected land cess during the period from 26-3-1969 to 31-3-1973 under section 66A of the Kerala Panchayats Act, 1960, as originally enacted, it became necessary to make a new provision in the Act to the effect that the land cess collected by panchayats, if any, during the period from 26-3-1969 till 31-3-1973 should be adjusted towards the land cess for periods after 1-4-1973 or towards any other dues payable to the panchayat.

4. According to section 82 of the Kerala Panchayats Act, 1960, all rivers in the State together with all rights and liabilities of the Government in relation to such water courses, stand transferred to and vested in the panchayats. Most of the rivers run through more than one panchayat area with the result that portions of the same river will belong to several panchayats in respect of the portions within their respective jurisdiction. It was considered necessary to amend section 82 to invest the Government with the power to exclude any river coursing through more than one panchayat area, from the purview of the Act, by notification in the Gazette.

5. Section 82 of the Kerala Panchayats Act did not apply to natural lakes, viz., "Kappus" and "Chals". As a result, disputes had arisen between the Revenue Department and the panchayats over the fishing rights in "Kappus" and "Chals". It was considered that there was no reason to exclude "Kappus" and "Chals", from the control of the panchayats and that section 82 should be amended to include "Kappus" and "Chals" within the scope of that section.

6. Since the Legislative Assembly was not in session, the Kerala Panchayats (Amendment) Ordinance, 1975 (11 of 1975), was promulgated by the Governor on the 5th September, 1975, to achieve the above objects. The Bill seeks to replace the Ordinance by an Act of the Legislature.

FINANCIAL MEMORANDUM

The Bill, if enacted and brought into operation, would not involve any expenditure from the Consolidated Fund of the State.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Sub-section (1) of section 66A of the principal Act, proposed to be inserted by clause 3 of the Bill, seeks to empower the Government to exempt in the public interest, by notification in the Gazette, any land or class of lands from the levy of the land cess. Sub-clause (a) of clause 5 of the Bill seeks to amend sub-section (1) of section 82 of the principal Act so as to exclude rivers passing through more areas than a panchayat area, which the Government may, by notification in the Gazette, specify, from the scope of the said sub-section.

2. The powers proposed to be conferred on the Government by the above provisions of the Bill are of an administrative nature. The delegation of legislative power is therefore of a normal character.

K. AVUKADERKUTTY NAHA

Government of Kerala
1976

Reg. No. KL/TV/17

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EXTRAORDINARY

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SECRETARIAT OF THE KERALA LEGISLATURE

NOTIFICATION

No. 929/LA4A/76. *Dated, Trivandrum, 29th January 1976.*

The Kerala Police (Amendment) Bill, 1976 together with the Statement of Objects and Reasons, and the Financial Memorandum is published, under Rule 67 of the Rules of Procedure and Conduct of Business in the Kerala Legislative Assembly.

Dr. R. Prasannan,
Secretary,
Legislative Assembly.

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33/322/MC.

Fourth Kerala Legislative Assembly

Bill No. 233

THE KERALA POLICE (AMENDMENT) BILL, 1976

A

BILL

further to amend the Kerala Police Act, 1960.

Preamble.—WHEREAS it is expedient further to amend the Kerala Police Act, 1960, for the purpose hereinafter appearing;

BE it enacted in the Twenty-seventh Year of the Republic of India as follows:—

1. *Short title.*—This Act may be called the Kerala Police (Amendment) Act, 1976.

2. *Amendment of section 21.*—In clause (i) of section 21 of the Kerala Police Act, 1960 (5 of 1961), after the words "offensive weapons", the words "or crackers or bombs" shall be inserted.

STATEMENT OF OBJECTS AND REASONS

According to section 21 of the Kerala Police Act, 1960 (5 of 1961), the District Magistrate has the power to prohibit the carrying of swords, spears, bludgeons, guns or other offensive weapons in any public place, if such a step is found necessary for the preservation of the public peace or public safety. It is considered necessary and expedient to confer on the District Magistrate the power to prohibit the carrying of crackers and bombs also in public places. The Bill is intended to achieve this object.

2/321/MC

FINANCIAL MEMORANDUM

The Bill, if enacted and brought into operation, would not involve any expenditure from the Consolidated Fund of the State.

K. KARUNAKARAN

Reg. No. KL/TV/12

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EXTRAORDINARY

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GOVERNMENT OF KERALA

Public Works (Transport B) Department

NOTIFICATION

No. 5655/TB1/76/PW. *Dated, Trivandrum, 29th January 1976.*

Whereas representations have been received by the Government of Kerala that the existing rates of fares for stage carriages should be revised;

And Whereas the Government of Kerala are satisfied that conditions have changed since the publication of Notification G. O. (P) 148/74/PW. dated 29-8-1974, as S. R. O. No. 637/74 in the Gazette dated the 29th August, 1974 and it is necessary to modify the directions issued to the State Transport Authority in the said Notification;

Now, therefore, the draft of certain directions which the Government of Kerala propose to issue to the State Transport Authority, Kerala in exercise of the powers conferred by clause (i) of sub-section (1) of section 43 of the Motor Vehicles Act, 1939 (Central Act IV of 1939) and in supersession of all the previous directions issued in this behalf, is hereby published as required by the proviso to the said sub-section.

Notice is hereby given that the said draft will be taken up for consideration on or after 1-3-1976 and that any objection or suggestion with respect to the draft which may be received by the Government before the date aforesaid, will be considered by the Government in consultation with the State Transport Authority. Representatives of the interests affected by the said draft directions will be heard by the Government at 3.00 p. m. on 9-3-1976 in the Conference Hall of the Secretariat. Objections and suggestions shall be addressed to the Special Secretary to the Government of Kerala, Public Works (Transport B) Department, Trivandrum, in duplicate.

DRAFT DIRECTIONS

The State Transport Authority shall fix the rates of fares for stage carriages in the State as follows:

A. RATES OF FARE FOR ROADS IN THE PLAINS:

1. In the case of city and town services, a minimum fare of 20 ps. shall be collected for the 1st stage of 2 kilometres or part thereof and in multiples of 10 ps. for the subsequent stages of 2 kilometres or part thereof.

2. In the case of ordinary services, a minimum fare of 30 ps. shall be collected for the 1st stage of 4 kilometres or part thereof and in multiples of 20 ps. for subsequent stages of 4 kilometres or part thereof.

3. In the case of Fast Passenger services, fares shall he fixed at the rate of 5.5 ps. per head per kilometre subject to a minimum fare of 50 ps.

4. In the case of Express services, fares shall be fixed at the rate of 6.5 ps. per head per kilometre subject to a minimum fare of 100 ps.

5. In the case of Deluxe services, fares shall be fixed at the rate of 7.5 ps. per head per kilometre, subject to a minimum fare of 200 ps.

6. In the case of special or superior class of services operated by fleet owners, a higher fare may be collected at a rate not exceeding one and a half times of the rate of fares fixed for the Deluxe Services.

7. In the case of Fast Passenger, Express and Deluxe Services, where the fare calculated is not an exact multiple of 10 paise, the same shall be rounded off to the nearest multiple of 10 paise.

8. In respect of services operated during "Approved Festive Occasions", the rates of fare fixed for such services shall not exceed

one and half times of the rates of fares fixed for Ordinary, Fast Passenger, Express or Deluxe services, as the case may be.

9. Full time students not engaged in any other calling or profession, studying in any recognised educational institution travelling in stage carriages for the purpose of attending classes shall be eligible for concessional travel in city, town and ordinary services at the rate of 50% of the rates of fares fixed for the respective class of services.

10. B. RATES OF FARES FOR GHAT ROADS.

The rates of fares payable for Ghat Roads in various classes of services specified in clause (A) shall be 25% in excess of the rates of fares payable for the respective classes of services for the roads in the plains.

EXPLANATIONS

1. "Ghat Roads" means roads which are declared as such by the Government.

2. "Express Services" means services which are allowed to be operated by fleet owners on long routes at an average speed of 40 kms. or more per hour with limited stops, providing higher standards of comfort in seating, in which seats can be reserved in advance, and preference may be given to through passengers and which for these reasons are declared as "Express Services" by the Transport Authority granting the permit. Any existing Express services in operation on the strength of pucca permits, whether owned by a fleet owner or others, will be allowed to continue, provided such operators shall observe the directions in regard to the rate per head per km. and the minimum fare fixed for Express services.

3. "Fast Passenger Services" means services which are allowed to be operated by fleet owners to run at an average speed of 32 kms. or more per hour, with limited stops in which seats can be reserved in advance and preference may be given to through passengers and which for these reasons are declared as "Fast Passenger Services" by the Transport Authority granting the permit. Any existing Fast Passenger Services on the strength of pucca permits, whether owned by a fleet owner or others, will be allowed to continue, provided such operators shall observe the directions in regard to the rate per head per km. and the minimum fare fixed for Fast Passenger Services.

4. "Deluxe Services" means services which are allowed to be operated by fleet owners to run at 40 km. or more per hour on long routes with limited stops providing luxury seating arrangements in which seats can be reserved in advance, which allows no standing passengers and in which preference may be given to through passengers and for these reasons are declared as "Deluxe Services" by the Transport Authority granting the permit. Any existing Deluxe Service in operation on the strength of pucca permits whether owned by a fleet owner or others will be allowed to continue, provided such operators shall observe the directions in regard to the rate per head per km. and the minimum fare fixed for Deluxe Services.

5. "City Services" or "Town Services" are services declared as such by the Transport Authority granting the permit.

6. "SUPERIOR OR SPECIAL CLASS OF SERVICES" means services operated by fleet owners providing superior or special amenities to the passengers which are declared as "Superior or Special Class of services" by the Transport Authority granting the permit.

7. "APPROVED FESTIVE OCCASIONS" means those festive occasions notified by the State Government in exercise of the powers conferred by the first proviso to section 13 of the Motor Transport Workers Act, 1961 (Central Act 27 of 1961), read with clause (ii) of sub-rule (1) of rule 27 of the Kerala Motor Transport Workers Rules, 1962.

8. "FLEET OWNER" means a person or institution or the Government, who or which is the registered owner of more than one hundred and fifty stage carriages used or kept for use in the State.

9. "LONG ROUTES" means routes which have been classified as long routes under rule 177-A of the Kerala Motor Vehicles Rules, 1961.

By order of the Governor,

T. V. SWAMINATHAN,
Special Secretary to Government.

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